IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 434/2006

MADAN LAL Vs. STATE OF RAJASTHAN

DATE: 06.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Suresh Dhenwal for
Mr. Praveen Balwada for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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The instant criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioner against the judgment dated 06.03.2006 passed by the Additional Sessions Judge, Behror Camp Bansoor, District Alwar in Criminal Appeal No. 32/2002 and against the judgment dated 26.07.2002 passed by the Additional Chief Judicial Magistrate NO.1, Behror, District Alwar in Criminal Case No. 270/2001 by which the accused-petitioner has been convicted and sentenced as under:-

Under Section 427 IPC	Simple imprisonment for one year and a fine of Rs. 1,000/-, in default of payment of fine to further undergo simple imprisonment for one month.
Under Section 430 IPC	Simple imprisonment for two years and a fine of Rs. 2,000/-, in default of payment of fine to further undergo simple imprisonment for two months.

Against the said judgment dated 26.07.2002, the accused-petitioner preferred an appeal and the same was partly allowed by the learned Additional Sessions Judge, Behror, Camp Bansoor, District Alwar vide judgment dated 06.03.2006, by which the Appellate Court while maintaining the conviction of the accused-petitioner under Sections 427 and 430 IPC, granted the benefit of probation to the accused-petitioner on certain conditions.

I have heard rival submissions of the respective parties and have also gone through the impugned judgments passed by the trial Court as well as the Appellate Court.

The trial Court has considered each and every aspect and after minutely perusing the evidence of the witnesses and the material available on record, has found the accused-petitioner guilty for the offence under Sections 427 and 430 IPC and sentenced as indicated herein above. The Appellate Court also after appreciating the evidence adduced and perusing the relevant record, found the petitioner guilty for the offence under Sections 427 and 430 IPC, but instead of sentence of imprisonment, given the benefit of probation to the accused-petitioner. Thus, both the Courts below have given concurrent findings and observed that the accused-petitioner is guilty for the

offence under Sections 427 and 430 IPC.

I find no illegality or error apparent on the face of the record in the impugned judgment passed by the trial Court as well as the Appellate Court and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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